

EXHIBIT T

to

PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Civil Action No.: 1:10-cv-00986-JFA

Decision of the Board of Governors



Aiken Regional

MEDICAL CENTERS

www.aikenregional.com

January 18, 2011

Certified Mail # 70081830000028165195

CONFIDENTIAL

Margo Muniz, M.D.
410 University Parkway, Suite 2300
Aiken, South Carolina 29801

Re: Notice of Board of Governors Final Decision

Dear Doctor Muniz:

The Board of Governors has concluded its deliberations concerning your appeal and the Appellate Review Panel's recommendation. The final decision of the Board of Governors is to uphold the recommendation of the MEC and of the Hearing Panel, for the reasons set forth in the Hearing Panel's report of and October 12, 2010 (attached) and in the Appellate Review Panel decision of December 15, 2010 (attached). The recommendation upheld by the Board of Governors is to terminate your medical staff membership and privileges effective immediately.

Sincerely,

Carlos Milanes
Chief Executive Officer

Cc: T. Pat Paxton, MD – Chairman Medical Executive Committee
James Boehner, MD – Chairman Board of Governors
Celeste T. Jones, Esquire
Thornwell F. Sowell, Esquire

302 University Parkway • Aiken, SC 29801
803-641-5000

www.aikenregional.com



Accredited by the Joint Commission on Accreditation of Healthcare Organizations



2005 UHS Service Excellence Award Winner

AIKEN REGIONAL MEDICAL CENTERS**CORRECTED
REPORT OF THE HEARING PANEL
(Confidential Medical Staff Proceedings)**

October 12, 2010

IN THE MATTER OF MARGO MUNIZ, M.D.

The Hearing Panel previously issued its report and recommendation on September 22, 2010. Notwithstanding the verbiage contained in the Credentialing Policy, the parties had agreed that the MEC had the burden of proving by the greater weight or preponderance of the evidence that its action was neither arbitrary nor capricious and was supported by credible evidence. During the course of its deliberations, the Panel members, unskilled and not knowledgeable in matters of law, relied on guidance from the Hearing Officer. The Hearing Officer has acknowledged having forgotten about the parties stipulation and that he had advised the panel members incorrectly on the burden of proof. Because of this they applied the incorrect standard of proof in reaching their decision.

The Hearing Panel reconvened on October 12, 2010 in order to consider the matter utilizing the correct burden of proof. Its previous report of September 22, 2010, except as herein modified, shall remain in effect.

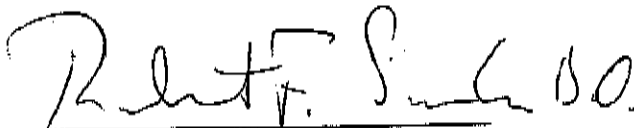
Therefore, utilizing the correct standard of proof and upon giving due consideration to the totality of the evidence presented, including the testimony of all of the witnesses and the documents submitted into evidence, the Hearing Panel finds and concludes the MEC has shown by the greater weight or preponderance of the evidence as follows:

1. The action of the Medical Executive Committee was neither arbitrary nor capricious, but was supported by credible evidence contained in the limited record before it at the time it made its decision, including the statement of Practitioner.
2. The evidence before the Hearing Panel inexorably must lead to the conclusion that during the course of these proceedings Practitioner lacked candor in dealing with her peers.
3. The testimony of the Practitioner, when considered with other evidence in the record raises serious questions regarding her credibility. Clearly, she repeatedly asserted that Patient # 6 had refused a cesarean section, a fact she later recanted in the face of contradictory testimony.
4. Lack of credibility is further demonstrated by post-incident entries which are inconsistent with other credible evidence.

5. Practitioner's testimony regarding transferring Patient #6 was initially asserted to be the patient's desire, while later it was asserted the issue of transfer was only discussed in the context of after the baby was delivered. Clearly, throughout her testimony and during her examination of her medical experts and other, Practitioner asserted it was the patient's desire to be transferred
6. Practitioner exercised poor judgment in both contemporaneous medical records entries and more especially in the statement she submitted to the MEC. Furthermore, several inconsistencies in this statement were noted.
7. Although the effect on the ultimate outcome cannot be determined with any degree of specificity, Practitioner's decision to leave the hospital when there was fetal distress and a suggestion of a placental abruption demonstrates poor clinical judgment.
8. While an argument can be made that a delay in performing a cesarean section did not effect the ultimate outcome, the greater weight of the evidence from experts on behalf of both the MEC and Practitioner is that the patient should have been sectioned much sooner. Again, this delay demonstrates poor clinical judgment on the part of Practitioner.
9. Practitioner's lack of candor and instances of a lack of credibility raise serious concerns about her ability to work with other members of the Medical Staff since this demonstrates the potential to fabricate facts. This concern is reflected by the other instances of misrepresentations, but particularly Practitioner's testimony that the pathologist told her the baby was brain dead.

Recommendation

1. The action of the Medical Executive Committee should be affirmed.



Robert R. Searles, D.O.
Chair, Hearing Panel

RECEIVED IN ADMINISTRATION

DEC 15 2010

Appellate Review Panel Minutes December 6, 2010

Present: Beverly Clyburn
Jonathan Collins, MD
Sam Kelly
Terri Ergle, CPCS

The meeting was called to order at 6:00 pm in the Board Room by Sam Kelly, chairman. Dr. Kelly began the meeting by explaining why we were there. The Medical Executive Committee (MEC) recommended that Dr. Margo Muniz privileges and medical staff appointment be terminated. The medical staff bylaws provided for Dr. Muniz to ask for a fair hearing before any action was taken. The Hearing Panel was appointed and met to hear from MEC and Dr. Muniz. The Hearing Panel recommended that the MEC decision to terminate Dr. Muniz's privileges and staff appointment be upheld.

After receipt of this recommendation Dr. Muniz sent in a appeal to this decision as allowed for by the medical staff bylaws.. Dr. Muniz request for appeal required an appellate review board be appointed and that is why we are here today. Dr. Kelly went over the process for this hearing. There were no concerns from either party.

Dr. Muniz and her attorneys were present for their 30 minute oral argument. Dr. DiBona (COS) and Jane Trinkley (attorney for MEC) were present for their 30 minute oral argument. Biff Sowell presented for Dr. Muniz. This presentation was a review of the information presented at the hearing in August & September. There was no new information presented. Jane Trinkley presented for MEC. This presentation was a review of the information presented at the hearing in August & September. There was no new information presented by MEC. Dr. Muniz was given time to rebut the MEC presentation and then MEC was given time to rebut also. Dr. Muniz and MEC were given the chance to make additional statements if they wanted. Both sides finished their argument and left the meeting. Panel members then reviewed the documents that were used by MEC to make their decision. After discussion a motion was made and seconded to uphold the MEC recommendation to terminate Dr. Muniz privileges and medical staff appointment. Motion was carried unanimously.

Meeting adjourned.


Terri Ergle, CPCS
Medical Staff Coordinator 12/15/10

 12/15/10
Sam Kelly
Chairman Appellate Review